

6. PLAN IMPLEMENTATION

Operation and Maintenance Responsibilities

The responsibilities of the non-Federal sponsor are as follows:

a. Pay 100 percent of any operation, maintenance, repair, replacement, and rehabilitation cost attributable to the Environmental Restoration. Because the project areas of Peanut Island are under lease to Palm Beach County, management of the area will be assumed by Palm Beach County.

b. Provide all additional lands, easements, and rights-of-way; borrow dredged and dredged material disposal areas; perform all relocations determined by the Federal Government to be necessary for the Environmental Restoration beyond those lands already acquired for the existing project; and provide evidence to support the Local Sponsor's legal authority to grant rights-of-entry to such lands. The necessary lands, easements and rights-of-way determined by the Federal Government to be necessary for work to be performed under a construction contract must be furnished prior to the advertisement of the construction contract.

c. Provide or pay to the Federal Government the cost of providing all retaining dikes, wasteweirs, bulkhead, and embankment, including all monitoring features and stilling basins, that may be required at any dredged material disposal area necessary for the Environmental Restoration.

d. Comply with applicable provisions of the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, Public Law 91-66, as amended by Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Act 100-7); the Uniform Regulations contained in 9 CFR Part 2, in acquiring lands, easement, and rights-of-way for construction and subsequent operation and maintenance of the Environmental Restoration; and inform all affected persons of applicable benefits, policies, and procedures in connection with said Act.

e. Provide, during the period of implementation, cash payments to meet its obligations under Article II of the Project Cooperation Agreement (PCA). Study cost will be funded up front by the Federal Government. Total Environmental Restoration costs will be reapportioned during the implementation period to meet the cost-sharing requirements. The Federal and non-Federal costs for the recommended plan are \$4,313,831 and \$1,567,000 respectively.

Operation and Maintenance Cost Estimate

Operations and Maintenance costs include monitoring per South Florida Water Management permit, maintenance which includes periodic exotic plant removal, and plant mortality replacement (Table 9).

TABLE 9
OPERATIONS AND MAINTENANCE COSTS

ITEM	ESTIMATED COST
Monitoring on a Bi-monthly Basis for 3 years Post Construction	
Staff Time = 192 hr/yr @ \$55/hr	\$10,560
Boat Time = 9 days/yr @ \$250/day	\$2,250
Maintenance on a Quarterly Basis for 3 years Post Construction	
Exotic Plant Removal = 640 hr/yr @ \$35/hr	\$22,400
Herbicide Cost	\$3,360
Boat Time = 40 days/yr @ \$250/day	\$10,000
Plant Mortality Replacement = 128 hr/yr @ \$55/hr	\$7,040
Boat Time = 4 days/yr @ \$250/day	\$1,000
Total O&M Costs/Year	\$56,610

Real Estate Requirements

Project lands are located on Peanut Island and are part of lease agreements between Palm Beach County and the Port of Palm Beach and Florida Inland Navigation District (Lease Agreements, Appendix G). The entire island is within the navigation servitude for which the Federal Government has paramount jurisdiction, negating the need for the acquisition of any additional interest to proceed with construction of the project.

Environmental Assessment

An Environmental assessment was prepared by the local sponsor and reviewed by the Jacksonville District to meet the requirements of the Environmental Statues listed in the Environmental Assessment listed on pages 53, 54 and 55.

Views of Local Agencies

This project is being coordinated with Palm Beach County, South Florida Water Management District, Florida Department of Environmental Protection, Florida Inland Navigation District, Port of Palm Beach, Palm Beach Maritime Museum and Florida Department of State, Division of Historical Preservation.

As required under the Fish and Wildlife Coordination Act, this project has been coordinated with the U.S. Fish and Wildlife Services and the Florida Fish and Wildlife Conservation Commission. This project is in accordance with the requirements of the Endangered Species Act and the Fish and Wildlife Coordination Act. A list of agencies with which this report is being coordinated, as well as all pertinent correspondence, is contained in Appendix A.

Cost Sharing

Authority for the items of local cooperation and provisions of the Project Cooperation Agreement (PCA) is provided by Section 1135 of the Water Resources Development Act of 1986, as amended. This project will be constructed solely for the purpose of improving habitat in areas associated with an existing Corps project (Lake Worth Inlet). On this basis, the Federal Government would bear 75% of the total habitat improvement costs at Peanut Island. Included in these total project costs are feasibility study costs, engineering and design, plans and specifications as well as project construction. The U.S. Army Corps of Engineers, representing the Federal Government, would be responsible for design and construction of the proposed project. The Federal portion of the project cost is estimated to be \$4,313,615 (including contingencies) as shown in Table 10.

**TABLE 10.
COST SHARING**

ITEM	FEDERAL COST 176,250 (\$)	NON-FEDERAL COST (\$) 58,750	TOTAL COST 235,000 (\$)
Study Cost	183,750 78,500	183,750 25,500	247,000 102,000
Water Quality Certification	11,250	61,250 3,750	15,000
Real Estate Planning Cost	15,000	5,000	20,000
Plans and Specifications	161,267	53,756	215,023
Bid Process	18,750	6,250	25,000
Construction Management	258,028	86,009	344,037
Construction Cost			
Environmental Restoration	3,578,286	1,192,762	4,771,048
*Recreation Development Features	194,750	194,750	389,500
Total Cost Share	\$4,313,831	\$1,567,777	\$5,881,608

*Recreation Development Facilities are cost shared 50% Federal and 50% Non-Federal Sponsor.

The local sponsor (Palm Beach County) requirements are indicated in Table 11. Non-Federal interests would be required to maintain the project after construction. Operation and maintenance will consist primarily of monitoring project plant survival rates and replacing plants as necessary, removing debris from wetland project areas and removing exotic vegetation from upland areas

**TABLE 11.
NON-FEDERAL RESPONSIBILITY**

ITEM	COST
LERRD	\$0
Cash	\$1,352,754
Work-in-kind*	\$215,023
Annual OMRR+R	\$56,610

*Work-in-kind (includes: \$215,023 for Plans & Specs)

7. SUMMARY OF COORDINATION, PUBLIC VIEWS AND COMMENTS

The recommended plan appears to be in the best overall public interest and is the most beneficial environmental plan for implementation. There will be substantial benefits to fish and wildlife resources by restoring and creating wetland habitat which will provide habitat and food source for fish, invertebrates, wading birds and wildlife. Restoring wetland and upland habitat on Peanut Island will also directly benefit many threatened and endangered species by providing essential habitat that has been severely depleted due to development. The recommended plan provides an opportunity to restore additional wetland habitat within Lake Worth Lagoon by utilizing the dredged material generated to create wetland and upland habitat on Peanut Island.

In addition to the dredge material generated within the scope of this Section 1135 project, Peanut Island is the site of over 1 million cubic yards of dredge material that has been generated through years of maintenance dredging associated with the Palm Beach Harbor and IWW improvements. Because this material is known to contain rock, it would need to be screened and separated for a portion of the material to be considered beach quality. The local sponsor proposes the total offload of dredged material from Peanut Island in conjunction with the proposed Section 1135 project. The proposed Peanut Island Offload and City of Lake Worth Wetland Restoration Plan under Section 204 is detailed in Appendix H.

This plan meets the designated criteria for participation by the Federal Government in environmental restorations for wetland and upland restoration. It also conforms to the guidelines for Federal water resource project development as provided under the Principles and Guidelines. There are no plans more cost efficient identified that address the primary study objectives and achieve significant wetland and upland restoration for the area. The impacts of the proposed plan are deemed beneficial overall and the plan is considered to be in full compliance with all pertinent environmental statutes as well as other Federal laws and directives regarding water resource project development.

Pertinent economic data for the recommended plan are as follows:

Estimated Federal Cost	\$4,313,831
Estimated Non-Federal Cost	\$1,567,777
Total Estimated Cost	\$5,881,754

8. RECOMMENDATIONS

I have weighed the accomplishments to be obtained from the proposed wetland restoration on Peanut Island in Palm Beach County, Florida, against project costs and considered the alternatives, impacts, and scope of the proposed project. In my judgment, the proposed project is a justified expenditure of Federal funds. I recommend that the Secretary of the Army approve the Section 1135 Peanut Island Environmental Restoration Report. The total estimated cost of the project is \$5,881,608 (of which \$4,313,831 would be Federal cost according to Section 1135(b)(2) of Public Law 99-662). The remaining \$1,567,777 would be non-Federal funds provided by Palm Beach County. I further recommend that funds be allocated in the fiscal year 2000 to initiate preparation of plans and specifications.

The above recommendations are made with the provision that prior to project implementation, the non-Federal sponsor shall enter into a binding agreement with the Secretary of the Army or his designated representative to perform the following items highlighted in the project cooperation agreement:

a. Provide all land, easements, and rights-of-way, and suitable borrow and dredged or excavated material disposal areas, and perform or ensure the performance of all relocations determined by the Federal Government to be necessary for the implementation, operation, and maintenance of the Project Modification;

b. Provide all improvements required on lands, easements, and rights-of-way to enable the proper disposal of dredged or excavated material associated with the implementation, operation and maintenance of the Project Modification. Such improvements may include, but are not limited to, retaining dikes, water weirs, bulkheads, embankments, monitoring features, stilling basins, and dewatering pumps and pipes;

c. Provide, during implementation, any additional amounts as are necessary to make its total contribution equal to 25 percent of the project environment restoration costs and 50 percent of the project recreation costs;

d. For so long as the Project Modification remains authorized, operate, maintain, repair, replace, and rehabilitate the completed Project Modification, or functional portion of the Project Modification, at no cost to the Federal Government, in a manner compatible with the Project Modification's authorized purposes and in accordance with applicable Federal and State Laws and regulations and any specific directions prescribed by the Federal Government;

e. Give the Federal Government a right to enter, at reasonable times and in a reasonable manner, upon property that the non-Federal sponsor, now or hereafter, owns or controls for access to the Project Modification for the purpose of inspection, and, if necessary, after failure to perform by the non-Federal sponsor for the purpose of completing, operating, maintaining, replacing, or rehabilitating the Project Modification. No completion, operation, maintenance, repair, replacement, or rehabilitation by the Federal Government shall operate to relieve the non-Federal sponsor of responsibility to meet the non-Federal sponsor's obligations, or to preclude the Federal Government from pursuing any other remedy at law or equity to ensure faithful performance;

f. Hold and save the United States free from all damages arising from the implementation, operation, maintenance repair, replacement, and rehabilitation of the Project Modification and any Project Modification related betterment, except for damages due to the fault or negligence of the United States or its contractors;

g. Keep, and maintain books, records, documents, and other evidence pertaining to costs and expenses incurred pursuant to the Project Modification in accordance with the standards for financial management systems set forth in the Uniform Administrative Requirements for Grants and Cooperative agreements to State and Local Governments at 32 Code of Federal Regulations (CFR) Sections 33.20;

h. Perform, or cause to be performed, any investigations for hazardous substances as are deemed necessary to identify the existence and extent of hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 USC 9601-9675, that may exist in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be required for the implementation, operation, and maintenance of the Project Modification, except for any such lands, easements, or rights-of-way that are owned by the United States and administered by the Federal Government, and except for any such lands that the Federal Government determines to be subject to the navigation servitude. The Government shall perform, or cause to be performed, all investigations on lands, easements, or rights-of-way that are owned by the United States and administered by the Federal Government. For lands that the Federal Government determines to be subject to navigation servitude, only the Federal Government shall perform such investigations unless the Federal Government provides the non-Federal sponsor with prior specific written direction, in which case the non-Federal sponsor shall perform such investigations in accordance with such written direction;

i. Assume complete financial responsibility, as between the Federal Government and the non-Federal sponsor, for all necessary cleanup and response costs of any CERCLA regulated materials located in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be required for the implementation, operation, or maintenance of the Project Modification, except for any such lands, easements, or rights-of-way owned by the United States and administered by the Federal Government;

j. As between the Federal Government and the non-Federal sponsor, the non-Federal sponsor shall be considered the operator of the Project Modification for the purpose of CERCLA liability. To the maximum extent practicable, operate, maintain, repair, replace, and rehabilitate the Project Modification in a manner that will not cause liability to arise under CERCLA;

k. Comply with the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended by Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100-17), and the Uniform Regulations contained in 49 CFR Part 24, in acquiring lands, easements, and rights-of-way, required for the implementation, operation, and maintenance of the Project Modification, including those necessary for relocation, borrow materials, and dredged or excavated material disposal, and inform all affected persons of applicable benefits, policies, and procedures in connection with said act;

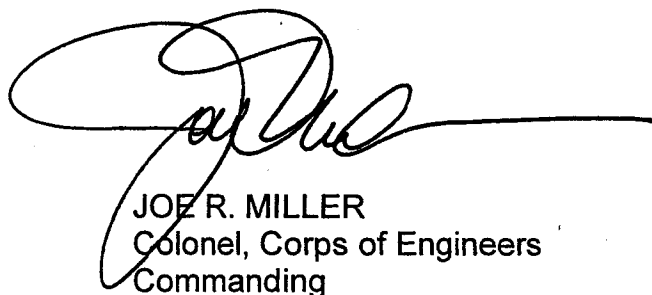
l. Comply with all applicable Federal and State laws and regulations, including, but not limited to, Section 601 of the Civil Rights Act of 1964, Public Law 88-352 (42 U.S.C.2000d), and Department of Defense Directive 5500.11 issued pursuant thereto, as well as Army Regulation 600-7, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army";

m. Provide 25 percent of that portion of total historic preservation mitigation and data recovery costs attributable to the Project Modification that are in excess of one percent of the total amount authorized to be appropriated for the Project Modification;

n. Under no circumstances shall the Federal cost of the environmental restoration, including previous study costs, exceed the legislated maximum per modification Federal cost of \$5,000,000;

o. Not more than 80 percent of the non-Federal sponsor share of the total project cost may be credit for work-in-kind.

The recommendations contained herein reflect information available at this time and current Departmental policies governing formulation of individual projects. Consequently, the recommendations may be modified before they are approved for implementation.



JOE R. MILLER
Colonel, Corps of Engineers
Commanding

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